



BILLS OF COSTS IN U.S. DISTRICT COURT - COLORADO

KNOW THE PROCEDURAL STEPS, LEARN SOME OF THE CASELAW, AND YOU'LL PROBABLY RECOVER A PORTION OF YOUR COSTS – JUST DON'T ASK FOR THE MOON.



USE THE LOCAL
FORM – IT'S ALL
THERE!

(DON'T FORGET TO
CONFER WITH
OPPOSING SIDE AND
SET DATE AND TIME
OF HEARING)

*** NOTE: IT IS YOUR RESPONSIBILITY TO SET THE TIME IN THE LOWER RIGHT CORNER OF THIS FORM (CHOOSE ANY TUESDAY, WEDNESDAY, OR THURSDAY AT 8:30, 9:00 OR 9:30 A.M.) FOR APPEARANCE BEFORE THE CLERK FOR TAXATION.***

AO 133 (Rev. 12/09) Bill of Costs

UBDC Colo. Version – (Rev. 01/01/2020)

BILL OF COSTS	
United States District Court	DISTRICT OF COLORADO
	DOCKET NO.
v.	MAGISTRATE CASE NO.
Judgment having been entered in the above entitled action on _____ against _____ the clerk is requested to tax the following as costs:	
BILL OF COSTS	
Fees of the clerk	\$
Fees for service of summons and complaint	\$
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	\$
Fees and disbursements for printing	\$
Fees for witnesses (itemized on reverse side)	\$
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$
Docket fees under 28 U.S.C. § 1923	\$
Costs incident to taking of depositions	\$
Costs as shown on Mandate of Court of Appeals	\$
Other costs (Please itemize)	\$
Please review and comply with D.C.COLO.LCIVR 54.1 (See Notice section on reverse side)	
TOTAL	\$ 0.00
DECLARATION	
I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed with postage fully prepaid thereon to:	
Signature of _____ Print Name _____	Phone number _____
For: _____ <small>Name of Claiming Party</small>	Date _____
Please take notice that I will appear before the Clerk who will tax said costs on the following day and time:	Date and Time _____
Costs are hereby taxed in the following amount and included in the judgment:	Amount Taxed \$ _____
	(BY) DEPUTY CLERK _____
CLERK OF COURT JEFFREY P. COLWELL	DATE: _____

PROCEDURAL STEPS



... Just follow the progression:

FINAL
JUDGMENT
IN A CASE

LCivR 54.1: File
"Proposed Bill
of Costs" in 14
Days

FRCP 54(d)(1):
at least 14
days' notice
for hearing

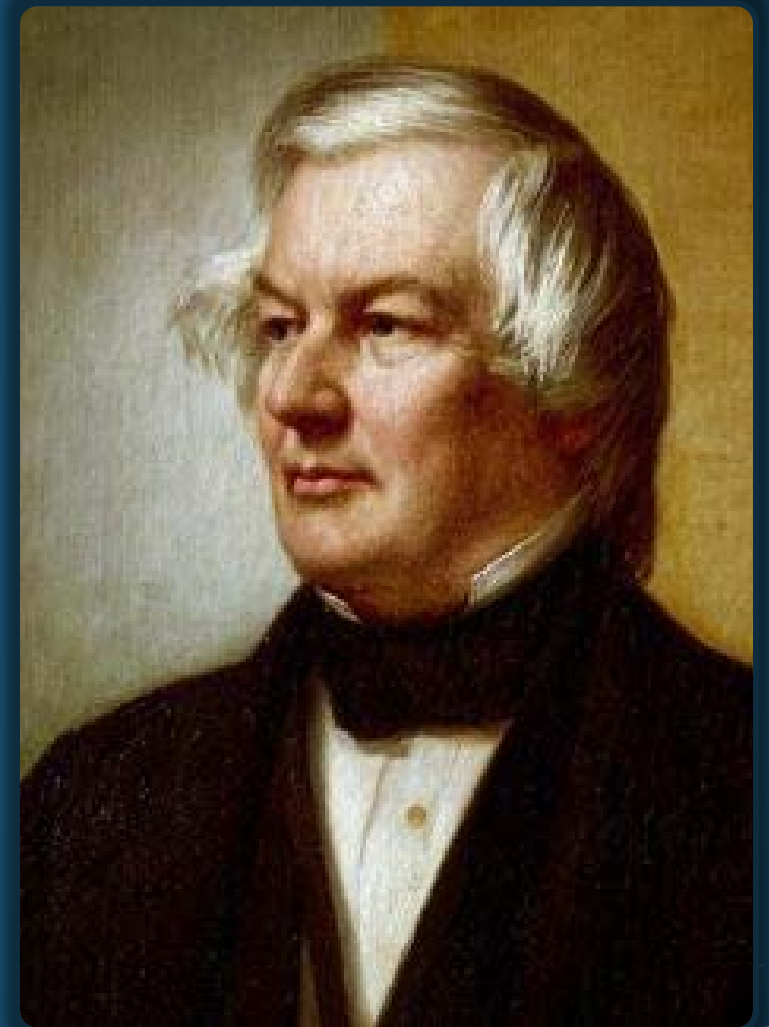
HEARING DATE CAN
BE SET FOR 2
WEEKS, A MONTH, A
YEAR – IT'S UP TO
THE PARTIES

DAY AFTER
TAXATION OF COSTS
FILED – 7-DAY
PERIOD TO FILE
"MOTION TO REVIEW
CLERK'S ACTION"

PRESIDENT MILLARD FILLMORE

Signed the Fee Act of 1853, the progenitor of the current costs statute (which itself dates back to 1948).

Thanks to Congress and Millard, we've had consistency and uniformity for 167 years!



28 U.S. CODE § 1920 - TAXATION OF COSTS:

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees for printed or electronically recorded transcripts necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

The bill of fees of clerk, marshal, and attorneys, and the amount paid printers, and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trial in cases where by law costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party. Such taxed bills shall be filed with the papers in the cause.

Fee Act of 1853



... Prior to Appearing Before the Clerk ...



D.C.COLO.LCivR 54.1 - TAXATION OF COSTS

Each judgment or final order shall indicate any party entitled to costs. Unless otherwise ordered, the clerk shall tax costs in favor of a prevailing party or parties. A bill of costs shall be filed on the form provided by the court [HERE](#) no later than 14 days after entry of the judgment or final order. After filing a bill of costs and prior to appearing before the clerk, counsel and any unrepresented party seeking costs shall file a written statement that they have conferred as to disputes regarding costs. If all disputes are resolved, a stipulation specifying costs shall be filed with the court.

CRITICAL CASELAW



- **Crawford Fitting Co. v. J. T. Gibbons, Inc.**, 482 U.S. 437 (1987) – 28 USC § 1920 enumerates expenses that a federal court may tax as a cost under the discretionary authority found in Rule 54(d).
- **In re Williams Securities Litig. – WCG Subclass**, 558 F.3d 1144 (10th Cir. 2009) – Guidance on the award of deposition and copying costs.
- **Tilton v. Capital Cities/ABC, Inc.**, 115 F.3d 1471, 1474-1476 (10th Cir. 1997) – Deposition transcripts, video depositions, witness expenses and travel costs, copying costs, depo. and trial exhibits, and document imaging.
- **Sorbo v. U.P.S.**, 435 F.3d 1169 (10th Cir. 2005) – Defines many costs not awardable under § 1920
- **Karsian v. Inter-Regional Financial Group, Inc.**, 13 F.Supp.2d 1085 (D.Colo.1998) – Formula for awarding depositions; service or process; hearing and realtime transcripts; witness fees; copying costs, bar fees.
- **Nero v. Am. Family Mut. Ins. Co.**, 2013 WL 5323262 (D. Colo. Sept. 23, 2013) – Copying costs for electronic materials.
- **Home Loan Inv. Co. v. St. Paul Mercury Ins. Co.**, 78 F.Supp.3d 1307 (D.Colo. 2014) - Exemplifies the awarding of costs in a diversity jurisdiction case.

DO'S, AND DO NOT DO'S*, IN A BILL OF COSTS, OR AT THE HEARING:

DO:

- Use local form AO-133 and set a date for appearance before the clerk
- Pick a date and time (Tues., Wed., Thurs., 8:30, 9:00, or 9:30) at least 2 weeks in advance
- Confer w/ other side in earnest attempt to settle
- Attach documentation/invoices/itemization chart to the Bill of Costs
- Generally expect to recover filing/removal fees, service fees, witness appearance & travel fees, some copying costs, some deposition costs
- Appear in person – unless you're an inmate
- Assert zealous advocacy and objections in the arguments before the clerk

DON'T:

- Use the U.S. Courts national AO-133 form
- Request expert fees
- Apply for recovery of bar admission fees
- Seek recovery of legal research costs
- Think you don't have to confer with a prisoner about hearing date and settlement
- Ask for recovery of copying charges for mailing pleadings and documents to pro se parties
- Ask for attorney travel expenses
- Put your witnesses in the Four Seasons / Brown Palace / first class on Emirates and expect to be reimbursed
- Believe you need to file an objection before the hearing, but you may

CONSULT THE HEARING OFFICER'S GUIDE TO BILLS OF COSTS ...

... and, Effective July 1, 2020,
Appear in Person Before the Clerk
IN ALL CASES.

Thank you.